

# SENATE CARRIES OUT PLAN TO RECONSIDER LIQUOR AMENDMENTS

(From Saturday's Advertiser.)

The four intents that are behind the Moore amendments to the existing law on selling the liquor traffic made a deep and successful effort yesterday morning to force the bill, as amended by the Ways and Means Committee, past second reading in the territorial senate.

The postponement of the bill secured Thursday by the opposition, led by Senators W. O. Smith and George Fairchild, was nullified and now the measure of the whisky ring will come up on third reading Wednesday.

Three of the Senators that voted with Smith and Fairchild Thursday saw fit to capitulate and go over to the support of the Moore amendments. The three members of the upper house that changed their stripes yesterday were Senators Quinn, Makekani and Baker, all three of whom supported Senator Smith's motion for postponement Thursday.

After the action taken Thursday the liquor men decided that they could only save the bill by taking the sole course left to them in the emergency—by whipping enough Senators into line to assure a majority vote on a motion to reconsider the action of postponement. This was agreed upon, and Quinn, Baker and Makekani were pledged to support the bill—a remarkable and sudden change from the position they had assumed by voting for postponement Thursday afternoon.

By the rules of the Senate the motion to reconsider had to be made by a member that voted with the majority, and Makekani was decided upon as the spokesman—his motion to be seconded by Quinn.

This plan was carried out, as was predicted in the Advertiser yesterday—the enacting clause of the measure amended to read "by the Legislature" instead of "by the Senate"; the bill passed second reading and next Wednesday set as the date for consideration upon third reading.

Makekani made a lame and faltering explanation of his motion to reconsider the action of the previous day. Not only was his explanation unconvincing, but the logic of the action that followed was worse and difficult to be reconsidered with that legislator's statement on the floor of the Senate that he was only going to vote for "good measures."

The defection of Quinn was a decided surprise to the liquor men Thursday, and they immediately determined that Baker, Makekani and Quinn should understand at once that the bill must be sent past second reading at any cost and public opinion left to care for itself. Their efforts resulted in the action of yesterday.

The Nuanuan dam committee of the Senate, composed of Senators Woods, Knudsen and Chillingworth, made their

## WHAT IT WILL DO.

A woman buys a sewing machine for what it will do; not as an article of furniture. A man carries a watch to tell him the time; not as an investment of surplus capital. The same principle when one is ill. We want the medicine or the treatment which will relieve and cure. The friend in need must be a friend indeed, something, or somebody, with a reputation. There should be no less work in treating disease. People have the right to know what a medicine is, and what it will do, before they take it. It must have behind it an open record of benefit to others for the same diseases, a series of cures that proves its merit and inspires confidence. It is because it has such a record that

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first trip to the dam yesterday. It was raining when the committee started on the junket and according to the members the water was falling in blocks at the dam site.

It was a decidedly damp committee that returned from the expedition. The findings will be made known in formal fashion in a written report which may be filed today, but probably not until next week.

## Senate Routine.

There was a full attendance when the upper house convened yesterday morning.

A communication was received from Secretary Mott-Smith informing the Senate that the Governor had signed House Bill No. 27, Act 13, an act to reduce the price of the Revised Laws; Senate Bill No. 32, Act 14, an act to amend Section 1634 of the Revised Laws, relating to substitute justices of the Supreme Court; House Bill No. 58, Act 15, an act to repeal Act 64 of the Session Laws of 1905, as amended by Act 79 of the Session Laws of 1907, relating to the issuance of certificates of Hawaiian birth; and House Bill No. 69, an act to amend Sections 2 and 7 of Act 100 of the Session Laws of 1905, relating to bonds of public officers.

The Senate received the immigration and revenue measure that produced the contest in the House of Representatives. House Bill No. 108 is its official title, and it passed first reading.

A communication was received from the House stating that it did not concur in the amendments made by the Senate to House Bill No. 18, relating to the appointment and dismissal of district magistrates. President of the Senate Smith named Knudsen, Chillingworth and Makekani as the members of the joint conference committee in an effort to reach an agreement on the measure.

Senator Coelho introduced a bill to make changes and additions to the existing statutes governing the National Guard so as to conform to the provisions of the laws of the United States.

It passed first reading and was referred to the Printing Committee.

## Kalama Introduces Bills.

Two bills were introduced by Senator Kalama of Maui. One measure is designed to amend Section 1806 of the Revised Laws relating to the lien of District Court judgments. It adds a paragraph reading as follows:

"When a judgment which is a lien under this section is fully paid, the creditor shall, at the expense of the debtor, execute and acknowledge a release, signed by said creditor, or by his attorney of record in the suit, and said release may be recorded in the judgment book in said registry."

The other measure introduced by Kalama is intended to amend Section 4 of Act 23 of the Session Laws of 1905 relating to the filing of plans and surveys of land in the office of the Registrar of Conveyances.

The amended section specifies that "it shall not be lawful for the Registrar of Conveyances to accept for record and record any plan of land, whether attached to, made a part of, or independent of, any deed, certified copy of judgment of condemnation, or other instrument, after this act takes effect; to the end and purpose that hereafter there shall be no plans recorded in the record books, but in substitution therefor there shall be a single method of filing plans in the archives of the office of the said Registrar of Conveyances."

The new section of the net introduced by Senator Kalama provides that the Registrar of Conveyances shall furnish blue print copies of any map or plan upon payment of a fee of \$2, the money to go into the Territorial treasury.

## Liquor Ring Ready.

The liquor interests had everything ready for the brazen work of reconsidering yesterday's disposition of the Moore amendment bill.

Senator Makekani was the spokesman and it was a painful and labored exhibition that the lawmaker from Hawaii made in an effort to explain the change in his attitude.

"I move that the vote we took yesterday on Senate Bill No. 29 be reconsidered," were the introductory remarks of Senator Makekani. "The reason why I make this motion," he continued, "is because I have not been able to understand this bill. I have tried to study the old law and the Ways and Means Committee report together, but have not succeeded in making it out to my satisfaction. So I move that we reconsider it."

Quinn promptly seconded the motion. Senator Kalama immediately called for an aye and no vote.

Senator Fairchild asked if Makekani was entitled to make the motion, and was informed that the Senator from Hawaii possessed the privilege, having voted with the majority in the postponement of the bill yesterday.

The vote on the motion to reconsider was then taken and carried nine to six, Senators Baker, Brown, Coelho, Harvey, Makekani, McCarthy, Moore, Robinson and Woods voting to nullify the action of Thursday afternoon, and Senators Smith, Fairchild, Kalama, Knudsen, Quinn and Chillingworth voting against a reconsideration.

Senator H. A. Moore, the introducer of the whisky ring measure, was then recognized by the chair and he said:

"Mr. President, the committee report and the amended bill were passed upon yesterday by the Senate. I now move that the title pass second reading."

## Quinn Goes Over.

President Smith suggested to Moore

that he submit the amending clause, not the title, and Moore allowed his motion in the passage of the amending clause. It was evident enough that the amendments of the liquor interests were going to meet with temporary success at least.

Moore's motion was seconded by Quinn and the vote that favored the Moore bill—an amendment by the majority report of the Ways and Means Committee—secured second reading was cast by the following named members of the upper house:

Senators Quinn, Moore, Baker, Brown, Coelho, Harvey, Makekani, McCarthy, Robinson and Woods.

Those opposing passage of the bill on second reading and supporting the action of postponement taken Thursday last, were:

Senators Smith, Chillingworth, Fairchild, Kalama and Knudsen.

The aye and no vote was taken upon the motion of Senator Kalama, who has consistently opposed the bill introduced by the liquor interests since its first appearance in the Senate.

Chillingworth was doubtful when his name was called on vote for passage of the measure on second reading. "Kalama," was his reply when his name was called in regular order, but he voted with the opponents of the bill when his name was called again.

## Will Rush Bill.

There was an error in the enacting clause of the measure as it stood originally—the language being "Be it enacted by the Senate of the Territory of Hawaii." This would have been an exceedingly appropriate specification in view of yesterday's proceedings, but "Legislature" was substituted for "Senate" upon the motion of McCarthy.

The liquor interests are not going to waste any time in their determined efforts to force the measure past third reading in the Senate. When the Senate majority had been compelled to show its hand and plainly marked intention to accede to the demands of the liquor interests, Senator McCarthy moved that consideration of the bill on third reading be deferred to Wednesday next and the motion was seconded by Moore.

The same division that passed the bill on second reading fixed next Wednesday as the date for final consideration by the Senate of the amendments promulgated in the interests of the liquor interests.

House Bill No. 48, repealing an unenforced law relating to the manufacture of poi, which was enacted by the Legislature of 1888, passed third reading upon the motion of Coelho.

The members of the upper house had considerable moribund with House Bill No. 112, providing for holidays in very generous fashion.

President Smith suggested that the bill be referred to the Judiciary Committee, but Senator Knudsen observed that it had been the custom of the past to present holiday matters to the consideration of the Military Affairs Committee.

Senator Chillingworth thought that the bill ought to go to the Judiciary Committee, as did Senator Kalama. The legislator from Maui was insistent that the proper disposition of the measure would be the Judiciary Committee, and he called for a rising vote. The vote was taken and the important question adjudicated, the Judiciary Committee receiving the measure that almost agrees with the old saying about "six months' holiday twice a year."

Coelho was sure that the bill should go to the Military Affairs Committee, because, as he logically reasoned—didn't the militia parade upon nearly every holiday? But the Senate did not heed the unanswerable premise of the Maui statesman's argument.

Senator Robinson desired to make a trip to Maui, and in response to his request the Senate formally concurred in granting him a leave of absence until Wednesday.

## Relief for Cummins.

At the afternoon session of the Senate a communication was received from the House of Representatives, stating that it had concurred in the Senate amendments to House Bill No. 51, providing for the formation of a juvenile court.

Makekani introduced a bill relating to the practice of medicine. It passed first reading and was referred to the Printing Committee.

Coelho introduced a bill entitled "An act to provide for the relief of J. A. Cummins." The bill has been introduced in several Legislatures of the past and asks for an appropriation of \$5000 from the Territorial treasury for the benefit of Mr. Cummins.

The bill states that Cummins entered a plea of guilty to a charge of treason in the year 1895 before a military commission. The petition states that he entered the plea without being aware of the fact that in view of the plea the military court had no discretion but to inflict on him a sentence of imprisonment and a fine of \$5000.

Because of the circumstances of the case the bill asks that appropriation be made of \$5000 with legal interest from 1895 to the date of the passage of the bill.

# HOUSE

House Bill 125, Douthitt, the bill to fix the kinks in the Municipal Act according to the doctrine of Republicanism, came up for a final vote in the House yesterday, the first business of import considered.

Kamahu, who is evidently the recognized leader of the Democrats, stated that the bill made a figurehead out of the Mayor, a man to whom the people paid \$2000 a year. Such was the effect of the clause putting all power of engaging city employees in the hands of the Supervisors.

He wondered what would happen if next election conditions were reversed and a Republican Mayor faced a Democratic board. "What will the Re-

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publican resolution do that?" he asked. "I think it would be better to get together to repeal the whole thing and start over."

## Kalepou the Spiritual One.

Kalepou stated he was the one who wanted to make a figurehead out of the Mayor and had introduced a bill to that effect, but the other Republican members and the business men objected and the present bill was the result of their desire to leave. Some even pointed out what he considered an error in the present law and wanted to show that Congress was not running the lines of the city government.

He agreed with the Supreme Court that the Mayor had to have some power, but he did not confine himself to the heads of departments, but went on and designated who should be able boys and such, something very lowering in the dignity of a Mayor. The Governor appoints heads of departments, but not the subordinates, leaving these to be chosen by the heads.

He approved of the taking off of the restrictions upon the Mayor to allow him to go back and work for the Interior department if he wanted to. This was giving him power, not taking it away.

## Like Wanted Time.

Like asked to have action deferred to allow him to file an amendment to cut out the extra Supervisors' power, the motion being lost on a party vote.

## Kama's Mistake.

Kama presented an amendment, evidently the result of a Democratic plot. His amendment was to raise the salary of the Mayor's secretary to \$3000 a year.

As soon as Kama saw the horrified look on Kalepou, he hastily withdrew the amendment. "I see I have made a mistake," he explained.

## Kaniho Urges the Axe.

Kaniho also had an amendment to offer, as follows: That appointment to vacancies in elective offices be made by the Mayor with the approval of the Board of Supervisors.

Rice asked what would happen if they failed to agree. Kaniho telling him it would be the same as the Governor and the Senate.

The amendment was tabled on motion of Rice.

Kaniho then moved that the bill be indefinitely postponed. It was plain to him that Honolulu was only to have a high-salaried figurehead. He objected to things generally when elected city officers fail to do as the people want but are pulled around by politicians. He wanted to compliment the Republican Representatives, who were not doing politics, but working for the country, but the Republican Supervisors were not worthy of any such commendation. He appealed to the sense of fairness of the Republican majority in the House to kill the bill.

"Let us not make a jumping jack of the Mayor or something like the Bonine politician, who eats and grins and does no work," he said, making a special plea in closing to those among the Republicans who were once Home Rulers, telling them not to close their open hearts to what was fair and just.

He referred to Rice's eloquent reference to geese and golden eggs in another debate, and asked again not to kill the fly on a man's nose with a club.

There were no flies on Kaniho, but his motion was promptly clubbed to death, nevertheless.

## Kauai in Favor.

Rice said that the outside members had nothing to do with the affairs of Honolulu except to settle Honolulu's trouble for her. He therefore favored the bill as one way of settling the trouble.

Sheldon urged the outside members not to block the requests of the Oahu members on Oahu questions, while Kaniho wanted to know whether he meant the requests of Douthitt and Kalepou or Kamahu and Like. The Municipal Act was a Republican measure, and he hoped that the desire to change it was because a Mayor of Democratic origin had been elected.

On the ayes and noes, the vote stood 19 to 11 in favor of the bill. Kama, Like and Kamahu, from the Oahu delegation, voted in the minority.

## Excepting Honolulu.

Moanali presented a new bill which is to raise the pay of public laborers to \$1.50 a day as a minimum in all parts of the Territory "except the City and County of Honolulu."

## Resolutions.

Cohen presented a list of new schoolhouses necessary on Oahu and asked for an appropriation of \$106,800 to build them. The list includes:

Kahuku, 2-room school and teacher's cottage, \$5300; Kaaawa, teacher's cottage, \$1800; Kailua, 1-room school and cottage, \$4200; Waipahu, 2-room addition, \$3500; Kaula, 14-room school building, \$45,000; Manoa, 1-room school, \$2500; Molihi, 2-room school building, \$3000; Normal School, science and laboratory departments, \$8,000; Wailua, 4-room school building, \$6800; Wahiawa, 1-room school building, \$1700; Waialea, new dormitory, \$25,000.

Hibio asked for \$2500 to establish a hospital at Lahaina.

Kaniho presented a resolution to appropriate \$8000 for a hospital at Kohala.

## Sewer Rate Bill Debate.

House Bill 40, Coney, was debated on third reading. This is a bill to compel the payment of sewer rates by shutting off the water from those premises against which the sewer rates are delinquent. The Superintendent of Public Works is given the power to do the shutting off, after given ten days' notice.

"If we want the government to be able to collect sewer rates and water rates, let us pass this bill; if we want it so that people do not have to pay their water and sewer rates, kill this bill. This is all there is to this bill," he said, explaining that there was outstanding now some \$50,000 in uncollected sewer rates.

## Long Attacks Measure.

Long was strong in objections. He saw in the bill a hardship upon the poor of the city, who are now being forced to connect their houses with the sewer system. Long referred to the fact that there was a bill now before the House making unpaid sewer and

# DISREGARDED HIS PUBLIC PLEDGE

(From Saturday's Advertiser.)

In protest against the action of the Senate in passing the Moore liquor bill yesterday afternoon on its second reading the Civic Federation held a general meeting late in the day. The meeting endorsed the protest which the Legislative Committee has made against the Moore bill.

The protest against the Senate's action yesterday was in the form of a resolution deploring such action. The attention of the Legislative and Public Service Committee was also called to the situation of a member of the Senate—Quinn, in particular—voting in favor of the bill and with the backers of the liquor bill, when he had pledged himself in the Republican convention to abide by the present liquor law.

It is understood that this action of the Civic Federation may bring about a general discussion as to what element of guaranty there is in a man's pledge made before a convention of his fellows and party-workers, which he then deliberately denies and places himself on record as opposed to the upholding of a pledge.

It is also understood that the discussion may go so far as to determine whether or not this will not weaken the party as a political factor in future campaigns and legislative matters.

At this meeting of the federation there was a long discussion as to whether the list of the members of the organization should be made public. The matter was finally disposed of by concluding to take a postal card vote on the question.

# THIS LEGISLATURE AND THE LAST ONE

Yesterday was the twentieth day of the session of the Legislature. As compared with the first twenty days of the last Legislature, there have been twenty more bills introduced in the Senate and seven fewer in the House. The Governor has signed seven more bills than Governor Carter did during the first twenty days of the last Legislature. To make up for it, though, Governor Carter had vetoed three measures, while Governor Frear has not as yet vetoed any.

The House has refused to permit half of the fleet to be kept in the Pacific. It also refused to sanction steps towards the selection of a site for another navy yard in California, and reduced the cost of the collier to be built at Mare Island to \$900,000.

water rates a lien against property and stated that the Superintendent of Public Works had stated that he would be content with the latter bill. The bill under discussion would be a hardship against the poor and for that reason he asked for the indefinite postponement of the measure.

## Pay for What is Received.

Rice supported the bill, stating that it was not the poor who would not pay but those well able to. The Sanitary Steam Laundry, for instance, owed \$1100; the Sing Hing Company owed \$400, and there were others. The people are getting this service, let them pay for it.

## Castro Aids Long.

Castro objected to the bill because even though a consumer may have paid his water rates he might be deprived of the use of water unless his sewer rates he also paid. This was a peculiar straining of law, even if constitutional. The sewer system was not established as a money making proposition but as a sanitary measure. He seconded the motion to unanimously postpone.

## A Regular Hold-up.

Long denounced the measure as a hold-up proposition and denied the right of the government to deprive a citizen of a necessity of life.

"If this government cannot by civil suit collect just debts," he said, "then let us get a lawyer at the head of the Attorney General's department who can collect the government's bill."

In answer to a question by Rice, Long described sewers as luxuries, to be used as such.

## Protection to Honest Men.

Sheldon moved to defer but withdrew his motion to allow further debate.

Rice stated that the bill was only a protection for the honest man who paid his just debts to the government and he expressed surprise that so many members seemed willing to advocate the cause of those who refused and neglected to pay their just debts. This was a short cut in the collection of just debts and while short cuts would not be favored by lawyers, it was good business for the honest taxpayers.

The third reading was finally deferred.

## Adverse Reports.

A report of the Miscellaneous Committee recommending the tabling of the bill giving the deputy sheriffs of Oahu the right to appoint their own police officers was presented after the noon recess.

Purtado moved that the report be tabled, he believed the bill to be a good one and one to do away with the friction existing between the County Sheriff and his deputies.

Kawewehi and Sheldon both spoke in favor of the adoption of the report, which was carried.

The Finance Committee killed Kiny's bill relating to the rate per cent for property taxation, the Gear scheme, in report stating that the bill did not "create an improved mode of taxation."

Kealawa presented a resolution that all the public lands known as Waialea, in South Hilo, not under cultivation in cane by the Waialea plantation, be opened for homesteads.

# TO MAKE ALL PAY LICENSE

(From Saturday's Advertiser.)

The Merchants' Association yesterday afternoon authorized the efforts of its association to employ counsel to draft a bill along the lines presented in the report of a special committee with reference to manufacturers' agents' license fees, for submission to the chairman of the Finance Committee of the Senate, with the request that that committee call upon any of the association members for information as to the intent and purpose of the bill.

The special report was presented by George W. Smith and C. C. von Hamm and contained a scale for license fees to carry on business, both retail and wholesale, and is aimed to compel manufacturers' agents and commission brokers to pay, the statement being made that at present there are sixteen agents and brokers who pay absolutely no license fee, while seven do.

In support of the report, which called for a fee of \$100 for business involving \$15,000 worth of stock or over, and \$250 for business involving stock under \$15,000 or no stock at all, Mr. Smith said the object of this was to reach a class which is not now contributing to the public treasury. There were twenty-three persons engaged in the soliciting of orders for houses on the mainland of whom only six or seven paid licenses to the treasury. The goods handled by these brokers and manufacturers' agents are not billed direct to the purchasers. They are consigned to the agent or broker and billed by the latter to the purchaser. That, however, in his opinion, constituted a sale of merchandise in direct competition with merchants who are paying taxes and is a form of competition that is unjust.

There was considerable discussion on the proposed measure, concluding with the adoption of a motion offered by Mr. Smith to employ counsel to draft a bill for presentation to the Senate Finance Committee.

This bill will be offered as a substitute for Senate Bill 27 which the majority of the members present considered iniquitous and should be defeated. In fact, there was an expression of opinion that the members should exert themselves to kill this measure.

There was some discussion as to the proposed act to be drafted that explanations as to the apparent discrimination in the amount of the fee above and below \$15,000, would be difficult to make to the members of the Legislature. It is understood, however, that members of the Legislature have been asked as to the chances for the passage of the bill and have given assurances that it will be well received.

The new bill will carry a penalty, a violation of the act, or in short a failure to pay the license fee, involving a fine of \$250.

Attorney Robertson was present and replied to several questions concerning the license bill.

The association also opposed the Coelho amendment to the license act, which raised the fee to \$600 and the amendment read as if every salesman employed by a local corporation, out on the road soliciting orders, would be required to pay the higher fee.

Mr. von Hamm, in referring to the report on uniform closing hours for business houses, started a discussion about the additional holiday measure before the Legislature. Mr. Chestnut for Ehlers & Co. said he attended the meeting especially to draw attention to this matter. He said that the Lincoln Day holiday bill added another day to February which was the shortest business month of the year. With Sundays taken out it left about twenty-four business days and with Washington's Birthday and Lincoln's Day out also, that reduced the working or business days to twenty-two. He felt that the association should go on record as opposed to the two additional holidays proposed, namely, Lincoln's Day and March 17 (Kaukaunui Day).

Mr. Petrie observed that he doubted very much whether the bill would pass in its present state, anyhow.

# BOYD HAS REVENGE AND IS PAID ALSO

Robert N. Boyd loves his country too much to see it get the worst of it over the Nuanuan dam or any other place. A great deal of his great aloha has developed since he was fired a short time ago from the Department of Public Works, but it grew strong enough about that time to drive him to members of the Legislature to tell them where the money was going in the Nuanuan dam work. He appeared before the special committee investigating the dam and told them a great many things that he had been able to learn while employed in the Public Works Department, but which had not struck him in all their heinousness until the department decided to get along without his services.

Before that committee he offered to get the data and evidence to support his charges. He was told to go ahead. It would never do to allow such patriotism to be checked by appearing to think that it was not important. Boyd got busy and has presented a report for the committee, as straight as some of the lines he ran on Maui and about as long. He was thanked by the legislators, but yesterday there appeared a bill before the committee to be O. K.'ed. It was from Mr. Boyd for services rendered. His giddy patriotism had not carried him to the point where he could afford to get even with his superiors for firing him without being paid. The members of the special committee allowed the bill, but they are doing a lot of thinking about it.

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